Calendar No. 650

100TH CONGRESS
2d Session

SENATE

REPORT
100-329

MERCHANT MARINE DECORATIONS AND MEDALS ACT

MAY 4, 1988.—Ordered to be printed

Filed under authority of the order of the Senate of April 27 (legislative day, April 25), 1988

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany H.R. 1430]

The Committee on Commerce, Science, and Transportation to which was referred the bill (H.R. 1430) to authorize decorations, medals, and other recognition for service in the United States merchant marine, and for other purposes, having considered the same, reports favorably thereon, and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 1430 is to clarify the existing statute that authorizes decorations, medals, and other recognition for service in the U.S. merchant marine. The bill responds to the need to expand the authority of the Secretary of Transportation (Secretary) to issue medals, awards, and decorations to merchant seamen in time of peace, war, or national emergency. H.R. 1430 also extends the set-aside period of three vessels provided by Public Law 97-360 to LIFE International, a non-profit organization.

BACKGROUND AND NEEDS

This legislation was introduced on March 5, 1987, to recognize the service of merchant seamen during times of peace, war, and national emergency. The Act of July 24, 1956, commonly referred to as the "Merchant Marine Medals Act," authorizes medals and decorations for outstanding and meritorious conduct and service after June 30, 1950, in the U.S. merchant marine. H.R. 1430 pro-

S263-3

vides awards and other decorations to honor merchant mariners for outstanding and meritorious conduct during service in the U.S. merchant marine.

Section 10 amends Public Law 97-360, which provided that three ships in the National Defense Reserve Fleet (NDRF) (the ex-*General Nelson M. Walker,* the ex-*Donner,* and the ex-*Colonial*) were to be designated as humanitarian service candidates that could be removed from the NDFR only for national defense purposes or upon application of LIFE International, a nonprofit corporation organized under the law of the District of Columbia. The NDRF is an inactive reserve source of ships that would be activated to meet the shipping requirements of the United States during national emergencies. LIFE would use these vessels to furnish health education, training, care, and technical assistance as well as other humanitarian services to impoverished Third World countries. Public Law 97-360 was scheduled to sunset on October 22, 1987. An extension was enacted in November 1987 which extended the set-aside period until October 22, 1989.

Legislative History

H.R. 1430 passed the House of Representatives by voice vote on March 8, 1988, and was referred to this Committee on March 14, 1988. The Committee considered the bill in open Executive Session and ordered the legislation reported without objection and without amendment on March 29, 1988.

Summary of Major Provisions

H.R. 1430 authorizes awards previously authorized under the 1956 Act and also authorizes the issuance of additional awards for service during any prior or future national emergency.

It also authorizes the Secretary to provide a U.S. flag and a grave marker to the family of a deceased individual who served in the merchant marine in support of the Armed Forces of the United States or its allies during periods of war or national emergency.

Due to the relatively few remaining merchant seamen who served during World War II, the costs of this legislation (including the administrative costs) had been estimated by the administration at less than $200,000 for the first year, declining each year thereafter. Merchant seamen who served during World War II from December 7, 1941 (Pearl Harbor Day), to August 15, 1945 (Victory in Japan Day), have recently been granted veteran status, and the cost of a flag and grave market will be borne by the Veterans' Administration. This development will reduce the number of flags and grave markets issued by the Secretary under section 6 of the bill, and therefore will further reduce the cost of this legislation.

Finally, the bill would extend the set-aside to LIFE International for an additional three years until 1992 and substitute the U.S.S. *Sanctuary* for the U.S.S. *Colonial.*

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget

Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 20, 1988.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1430, the Merchant Marine Decorations and Medals Act, as ordered reported by the Senate Committee on Commerce, Science, and Transportation, March 29, 1988. Enactment of this legislation is not expected to have any significant impact on the federal budget or on those of state or local governments.

H.R. 1430 would amend the Merchant Marine Medals Act to expand the authority of the Secretary of Transportation to issue awards, medals and decorations to merchant seamen. The bill would also permit the Maritime Administration to issue certificates of recognition to merchant marine personnel found eligible for status and benefits under Public Law 95–202. Section 6 would authorize the Secretary to provide grave markers and U.S. flags upon the death of merchant seamen whose service supported the Armed Forces during wars and national emergencies.

As under current law, any decorations or medals would be provided to seamen at cost or through an authorized vendor. Any additional expenses incurred to provide flags and markers would be small and would probably not occur for several years. The additional cost to administer any new awards or to issue certificates is not expected to be significant.

Section 10 of the act would extend through October 22, 1992, a 1982 act that sets aside three vessels currently held in the National Defense Reserve Fleet for use by LIFE International for various humanitarian purposes. Under current law, this act will expire on October 22, 1989. The three-year extension is not expected to result in any cost to the federal government.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM,
Acting Director.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

Because H.R. 1430 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

SECTION-BY-SECTION ANALYSIS

Section 1.—This section cites the bill's short title as the "Merchant Marine Decorations and Medals Act".

Section 2.—This section authorizes the Secretary to award a variety of decorations and medals for individual acts of service in the U.S. merchant marine. It is the intent of this legislation that the Secretary will delegate the authority to issue the various medals and awards under this bill to the Maritime Administrator.

Section 3.—This section describes the awards the Secretary may issue to individuals for various acts, conduct, or valor. A Merchant Marine Distinguished Service Medal may be awarded to an individual for outstanding acts, conduct, or valor beyond the line of duty. A Merchant Marine Meritorious Service Medal may be awarded to an individual for meritorious acts, conduct, or valor in the line of duty, but not of the character as would warrant a higher award. A decoration or medal may be awarded for service under conditions of danger to life and property. A decoration or medal may also be awarded for acts or service of conspicuous gallantry, interpidity, and extraordinary heroism under conditions that would warrant a similar decoration or medal to a member of the Armed Forces of the United States.

Section 4.—This section grants authority for the issuance of the Gallant Ship Award to any vessel participating in outstanding or gallant action in marine disasters or other emergencies for the purposes of saving life or property at sea. It also authorizes the award of an appropriate citation ribbon to each individual serving on the vessel at the time of the action. When a foreign-flag vessel is involved, the Secretary is required to consult with the Secretary of State before giving an award or citation to the vessel or its crew.

Section 5.—This section authorizes the award of a suitable device for each succeeding act or service justifying a decoration or medal previously awarded. The decoration or award may be given to an individual's personal representative. The Secretary is also authorized to provide at cost, or authorize the manufacture and sale of, decorations and medals (including miniatures) at reasonable prices by private persons. Finally, decorations and medals may be of similar design as are authorized for members of the Armed Forces of the United States for similar acts of service.

Section 6.—This section establishes new authority for the issuance, at no cost, of a flag of the United States and a grave marker to the family of a deceased merchant seaman who served in the U.S. merchant marine in support of the Armed Forces of the United States or its allies in periods of war or national emergency. The Secretary may issue U.S. flags and grave markers, except if authorized under another law. Recently, the Department of Defense Civilian/Military Service Review Board designated oceangoing merchant mariners who were in service during World War II from December 7, 1941, to August 15, 1945, as veterans for the purpose of all laws administered by the Veterans' Administration. It is anticipated that most of the awards of flags and grave markers to World War II oceangoing merchant mariners will come from the Veterans' Administration.

Section 7.—This section authorizes the Maritime Administrator to issue a special certificate in recognition of the service of individuals whose service has been determined to be active duty under section 401 of Public Law 95–202. The issuance of the certificate, in itself, will not entitle the individual to any rights, privileges, or benefits under any law of the United States.

Section 8.—This section makes it unlawful, subject to a civil penalty of $2,000, to manufacture, sell, possess, or display a decoration or medal provided for in this Act, except as authorized by this Act.

Section 9.—This section repeals the Act of July 24, 1956 (46 App. U.S.C. 249–249c), commonly referred to as the Merchant Marine Medals Act.

Section 10.—This section extends the set-aside provision in Public Law 97–360 for LIFE International for an additional three years until 1992 and also substitutes a new ship for one of the original ships.

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

The Act of July 24, 1956

[That (a) the Secretary of Transportation is authorized, under such rules and regulations as he may prescribe, to provide and award: A merchant marine distinguished service medal to any person serving in the United States merchant marine who distinguishes himself by outstanding act, conduct, or valor beyond the line of duty, and a merchant marine meritorious service medal to any person serving in the United States merchant marine for meritorious act, conduct, or service in line of duty, but not of such outstanding character as would warrant an award of the distinguished service medal.

[(b) No more than one distinguished service medal or meritorious service medal shall be awarded to any one person, but for each succeeding act, conduct, or service justifying such an award, a suitable device may be awarded to be worn with the medal or ribbon. In case any person who so distinguishes himself or so acts or serves as to justify the award of a medal under this section dies before the award can be made to him, the award may be made and medal presented to such representatives of the deceased as the Secretary of Transportation deems proper.

[Sec. 2. The Secretary of Transportation is authorized to provide and issue, under such rules and regulations as he may from time to time prescribe, a distinctive service ribbon bar to each master, officer, or member of the crew of any United States ship who serves or has served after June 30, 1950, in any time of war, or national emergency proclaimed by the President or by Congress, or during an operation by Armed Forces of the United States outside the continental United States, for such period of time and in such area or under such conditions of danger to life as the Secretary

may set forth in regulations issued hereunder. Such bars shall be provided at cost by the Secretary or at reasonable prices by private persons when authorized for manufacture and sale by the Secretary. Whenever any bar presented under the provisions of this section is lost, destroyed, or rendered unfit for use, without fault or neglect of the owner, such bar may be replaced at cost by the Secretary or at reasonable prices by private persons authorized by him.

[Sec. 3. The Secretary of Transportation is authorized to issue a citation as public evidence of deserved honor and distinction to any United States ship or to any foreign ship which participates in outstanding or gallant action in marine disasters or other emergencies for the purpose of saving life or property. The Secretary of Transportation may award a plaque to a ship so cited, and a replica of such plaque may be preserved, under such rules and regulations as the Secretary may prescribe, as a permanent historic record. The Secretary of Transportation may also award an appropriate citation ribbon bar to the master or each person serving on board such ship at the time of the action for which citation is made, as public evidence of such honor and distinction. Whenever such master or person would be entitled hereunder to the award of an additional citation ribbon, a suitable device shall be awarded, in lieu thereof, to be attached to the ribbon originally awarded. In any case of a proposed award or citation to a foreign ship or to a master or person serving aboard such ship, such award or citation shall be subject to the concurrence of the Secretary of State.

[Sec. 4. The manufacture, sale, possession, or display of any insignia, decoration, medal, device, or rosette thereof, or any colorable imitation of any insignia, decoration, medal or device, or rosette, provided for in this Act, or in any rule or regulation issued pursuant to this Act, is prohibited, except as authorized by this Act or any rule or regulation issued pursuant thereto. Whoever violates any provision of this section shall be punished by a fine not exceeding $250 or by imprisonment not exceeding six months, or both.

[Sec. 5. (a) The following Acts of Congress are repealed effective July 1, 1954:

[(1) The Act entitled "To provide for the issuance of devices in recognition of the services of merchant sailors", approved May 10, 1943, as amended (57 Stat. 81, 59 Stat. 511, 60 Stat. 884; U.S.C., title 50, War, Appendix, secs. 753a–753f).

[(2) The Act entitled "Providing for a medal for service in the merchant marine during the present war", approved August 8, 1946 (60 Stat. 960; U.S.C., title 50, War, Appendix, secs. 754–754b).

[(3) The Act entitled "To provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes", approved June 23, 1943, as amended (57 Stat. 162, 60 Stat. 905, 60 Stat. 945; U.S.C., title 50, War, Appendix, secs. 1471–1475).

[(b) Notwithstanding the repeal of the Acts of Congress in subsection (a) the Secretary of Commerce is authorized, under such rules and regulations as he may from time to time prescribe to make replacements at cost or permit replacements at reasonable prices by persons authorized by him of the awards, medals, decorations, or other articles issued under such Acts, if lost, destroyed, or

rendered unfit for use, without fault or neglect on the part of the owner.]

THE ACT OF OCTOBER 22, 1982

SECTION 6 OF THAT ACT

SEC. 6. This Act shall apply to the following vessels currently held in the National Defense Reserve Fleet:

United States Ship General Nelson M. Walker P2-SE2-R1
United States Ship Donner LSD-20
[United States Ship Colonial LSD-18]
United States Ship Sanctuary AH-20

SECTION 7 OF THAT ACT

SEC. 7. This Act shall expire by its terms on October 22, [1989] *1992.*

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